

GENERAL ORDINANCE NO. 21-12

AN ORDINANCE
REPEALING SECTION 27.201, AND
CREATING SECTION 27.203,
GREEN BAY MUNICIPAL CODE,
RELATING TO NOISE

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Sections 27.201, Green Bay Municipal Code, is hereby repealed:

27.201 REGULATION OF NOISE.

(1) **DEFINITIONS.**

(a) ANSI Definitions Adopted. All acoustical terminology shall be that contained in ANSI (American National Standards Institute or its successor bodies) S1.1, "Acoustical Terminology."

(b) Daytime Hours. The hours between 7:00 A.M. and 10 P.M.

(c) Light Motor Vehicle. Any automobile, van, motorcycle, motor driven cycle, motor scooter, or light truck with a gross vehicular weight of less than eight thousand (8,000) pounds.

(d) Nighttime Hours. The hours between 10:00 P.M. and 7:00 A.M.

(e) Person. Any person, firm, association, co-partnership, joint venture, corporation, or any entity public or private in nature.

(f) Real Property Boundary. An imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

(g) Zones. The following zones as defined in Ch. 13, Green Bay Municipal Code, are included in the zone categories.

1. Residential. First Residence, Second Residence, Residential Park, High Density, First Residence and Second Residence Off-Street Parking. Parks, school facilities, governmental office buildings, and publicly-owned conservancies are included in this category.

2. Commercial. Neighborhood Business, Suburban, First and Second Business, Community Center Business, and Highway Business.

3. Industrial. Industrial A, B, and C and Industrial Park.

4. Miscellaneous. Educational District is an overlay district, and noise regulation will be according to the underlying zones. Conservancy zones that are not publicly owned shall be

regulated according to the adjacent zone. If the neighboring zones are different, they shall be extended to the center of the conservancy for the purposes of this section.

(2) LIMITATIONS.

(a) Maximum Levels within Zones. No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set for the zone categories in Tables I and II.

TABLE I

Maximum Permissible Sound Pressure – Daytime Hours

Octave Band Center Frequency (Hz)	Residential	Commercial	Industrial
31.5	70	80	86
63	69	79	85
125	64	73	80
250	58	65	75
500	52	59	69
1000	47	53	63
2000	42	47	58
4000	38	42	54
8000	35	40	51
A-Scale Levels	57 dB(A)	63 dB(A)	72 dB(A)

(Levels in Decibels re .0002 Microbars)

TABLE II

Maximum Permissible Sound Pressure – Nighttime Hours

Octave Band Center Frequency (Hz)	Residential	Commercial	Industrial
31.5	69	72	81
63	68	71	80
125	62	66	75
250	54	60	70
500	48	54	64
1000	42	49	58
2000	36	44	53
4000	31	40	49
8000	29	37	46
A-Scale Levels	52 dB(A)	58 dB(A)	67 dB(A)

(Levels in Decibels re .0002 Microbars)

(b) Maximum Levels Between Zones. No person shall operate or cause to be operated on private or public property any source of sound from an industrial zone into a residential zone or commercial zone, or from a commercial zone into a residential zone that exceeds the limits set forth in Tables III and IV.

TABLE III

Maximum Permissible Sound Pressure – Daytime Hours

Octave Band Center Frequency (Hz)	Industrial into Commercial	Industrial into Residential	Commercial into Residential
31.5	80	79	75
63	79	78	74
125	74	73	69
250	69	67	64
500	63	61	58
1000	57	55	52
2000	52	50	47
4000	48	46	43
8000	45	43	40
A-Scale Levels	66 dB(A)	64 dB(A)	61 dB(A)

(Levels in Decibels re .0002 Microbars)

TABLE IV

Maximum Permissible Sound Pressure – Nighttime Hours

Octave Band Center Frequency (Hz)	Industrial into Commercial	Industrial into Residential	Commercial into Residential
31.5	75	74	72
63	74	73	71
125	69	68	65
250	64	63	57
500	58	57	51
1000	52	51	45
2000	47	46	39
4000	43	42	34
8000	40	39	32
A-Scale Levels	61 dB(A)	60 dB(A)	55 dB(A)

(Levels in Decibels re .0002 Microbars)

(3) LIGHT MOTOR VEHICLE LIMITATION.

(a) 80 dBa Noise Limit. It shall be unlawful for any person to cause noise levels from the operation of a light motor vehicle in excess of 80 dB(A) at any location within the corporate limits of the City of Green Bay. Measurement can be made at any distance greater than or equal to 15 feet from the closest approach to the vehicle.

(4) BLOWING OF STEAM WHISTLES.

(a) Locomotives. No railroad engineer, railroad employee, or other person in charge of any locomotive shall blow or cause to be blown any steam whistle or other warning device on such locomotive in the City except in case of imminent danger to life and property.

(b) Boats. No captain, mate, or other person having charge of, or who may for any purpose be on board any steamboat, propeller, tugboat, ferry boat, or other steam vessel or craft shall operate or blow the whistle of such steamboat, vessel, or other craft while the same is lying at or tied to any of the docks in either the Fox or East Rivers within the City.

(5) ELECTRIC SOUND AMPLIFICATION. During nighttime hours, no person may operate a radio, jukebox, or other electric sound amplification device emitting sound from any industrial or commercial zone or commercial premises that is audible in a residential zone under normal conditions from a distance of 75 feet or more beyond the lot line of the property which emits the sound.

(6) MEASUREMENT. When required pursuant to his ordinance, measurement of sound pressure shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI S1.4 - 1971) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (S1.6 - 1960) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order and operated in accordance with the manufacturer's instructions.

(7) EXEMPTIONS. The following activities shall be exempt from the regulations of this section, provided reasonable steps are taken to minimize the noise emitted.

(a) Construction Sites, Public Utility Projects, Public Works. The daytime criteria, as set forth in (2), shall not apply to construction sites, public utilities, and public works projects and operations during daytime hours Monday through Saturday, however, the noise shall be minimized through proper equipment operations and maintenance. The nighttime criteria, as set forth in (2), shall not apply to Department of Public Works - Operation Division personnel engaged in the collection of solid waste during nighttime hours Monday through Friday. Stationary equipment on construction projects lasting more than 10 days within residential districts shall be shielded or located to prevent unnecessary noise.

(b) Emergency Operations. Emergency short-term operations necessary to protect the health and welfare of the citizens.

(c) Noises Required By Law. Any noise required specifically by law for the protection, health, welfare, or safety of people or property.

(d) Power Equipment. Power equipment during daytime hours such as lawn mowers, small lawn and garden tools, and riding tractors necessary for the maintenance of property, kept in good repair and maintenance, which, when new, would not comply with the standards set forth in this section.

(e) Snow Removal Equipment. The use of snow removal equipment to remove snow from a path of travel.

(f) Residential Air Conditioners. Noise emitted by residential air conditioners in good working order.

(g) Airplanes. Aircraft operations which are controlled specifically by federal law.

(h) Bells, Chimes. Bells, chimes, and similar devices which signal the time of day and operate during the daytime hours for a duration of no longer than 15 minutes in any given hour during daytime hours.

(i) Warning Device. Any device being used to request assistance or warn against an unsafe condition.

(8) VARIANCES.

(a) Special Variance Permits.

1. General. A special variance permit may be issued for an event or circumstance of limited duration, including, but not limited to, special community events.

2. Application. Any person seeking a special variance permit pursuant to this section shall file an application with the Chief of Police, or his or her designee, 30 days prior to the commencement of the event or activity for which the variance permit is requested. The Chief may waive the time limit when compliance therewith is impractical. The application for a special variance permit must be made in writing and shall contain all information deemed necessary by the Chief. A special variance permit may be granted when the Chief finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare.

3. Issuance. Special variance permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance permit shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of these special variance permits shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity for which the special variance is granted.

4. Extension or modification. Application for extension of time limits specified in special variance permits or for modification of other substantial conditions shall be treated like applications for initial special variances.

(b) Conditional Variances.

1. General. Conditional variances may be issued for ongoing or recurring sources of sound which do not comply with the standards of this ordinance for technical or economic reasons.

2. Application. The Protection and Welfare Committee, subject to the approval of the Common Council, may grant conditional variances if it finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The application shall be made in writing to the City Clerk not less than 30 days prior to commencement of sound producing operations.

3. Hearing. The application shall be publicly heard before the Protection and Welfare Committee. The applicant may be required to submit such additional information as the Committee reasonably requires.

4. Issuance. Conditional variances shall not be issued until the applicant has agreed to the conditions therein. Noncompliance with any condition of a conditional variance shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity. The Committee may require the applicant to post a performance bond prior to issuing the variance.

5. Extension or modification. Application for extension of time limits specified in special variance permits or for modification of other substantial conditions shall be treated like applications for initial special variances.

(c) Appeal. An appeal from a decision regarding a variance request may be taken to a court of competent jurisdiction.

SECTION 2. Section 27.203, Green Bay Municipal Code, is created as follows:

27.203 REGULATION OF NOISE.

(1) DEFINITIONS. In this section:

(a) “Committee” means the Protection & Welfare Committee.

(b) “Daytime hours” means the hours between 7:00 A.M. and 10:00 P.M.

(c) “Produce” means, when referring to producing noise, to physically activate the source that creates the noise, to order or authorize another person to activate the source that creates the noise, or to have control over a source of noise and permit the noise to exist.

(d) “Nighttime hours” means the hours between 10:00 P.M. and 7:00 A.M.

(2) UNREASONABLY LOUD NOISE. No person shall produce unreasonably loud noise. A court shall consider any relevant factors to determine whether any noise is unreasonable, including, but not limited to, the following:

(a) Decibels. A court may determine any noise is unreasonable solely because it exceeds 80 dB(A) using an A-weighted sound pressure level instrument when measured from any property not under control of the person producing the noise.

(b) Time of day. Certain noise that is reasonable during daytime hours may be unreasonably loud during nighttime hours.

(c) Land use. Certain noise that is unreasonably loud in residential areas may be reasonable in mixed-use, commercial or industrial areas.

(d) Duration of noise. Certain loud noise may be reasonable for a short time, but may be unreasonable if the noise persists over a long time.

(3) SPECIFIC NOISE VIOLATIONS.

(a) Locomotives. No person in charge of any locomotive shall blow or cause to be blown any steam whistle or other warning device on such locomotive except in case of imminent danger to life and property.

(b) Boats. No person in charge of any vessel or craft shall operate or blow the whistle of such vessel or craft while moored.

(4) PRESUMPTIONS. The typical noise produced by the following activities is presumed to be reasonable:

(a) Required Noise. Any noise-producing activity required by law.

(b) Construction Work. Work performed at construction sites, at public works projects, and by public utilities during daytime hours Monday through Saturday.

(c) Waste Collection. The collection of solid waste during nighttime hours Monday through Friday.

(d) Safety Response. Emergency vehicles responding to an emergency.

(e) Power Equipment. The use of lawn mowers, snow removal equipment, lawn and garden tools, and riding tractors during daytime hours for yard, pavement or land maintenance.

(f) Air Conditioning. The use of residential air conditioners.

(g) Airplanes. Aircraft operations controlled specifically by federal law.

(h) Time Signals. The use of bells, chimes, and similar devices that signal the time of day during daytime hours.

(i) Warning Devices. The use of a device that requests assistance or warns against an unsafe condition.

(5) SPECIAL PERMIT.

(a) Application. Any person wishing to produce or allow noise notwithstanding this section may file a request with the Police Department at least 30 days prior to the event or activity that will produce the noise.

(b) Police Approval. If the Chief of Police, or his or her designee, determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Police Department may issue a special permit allowing such noise and place conditions upon its use. Whether a permit is issued or denied, the Police Department shall notify the applicant by mail of its decision.

(c) Appeal. The applicant may appeal a Police Department decision to the Committee within 15 days after receiving the decision by filing an appeal notice with the City Clerk. The Committee shall hear the applicant's appeal and affirm, reverse or modify the Police Department decision. If the Committee determines that the noise produced by the particular event will not substantively harm the public health, safety and welfare, the Committee may recommend issuance of a special permit allowing such noise and place conditions upon its use. The Council shall affirm, reverse or modify the Committee decision.

(d) Revocation. The Police Department may immediately revoke a permit issued under this subsection if the permittee violates any conditions placed upon the permit.

(6) PENALTIES. Any person violating sub. (2) or (3) may be required to forfeit not more than \$200.

SECTION 3. All cross-references to § 27.201 within the Green Bay Municipal Code shall be amended to reflect the changes found in this ordinance.

SECTION 4. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this 17th day of July, 2012.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

First Reading - 6/19/12
Effective Date - 7/21/12